

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DEWAYNE BURTON,

Defendant.

CR-16-32-GF-BMM

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 26, 2025. (Doc. 190.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 25, 2025. (Doc. 184.) The United States accused Michael Burton (Burton) of violating the conditions of his supervised release by: (1) testing positive for marijuana on August 29, 2024; (2) testing positive for marijuana on October 2, 2024; (3) testing positive for marijuana and methamphetamine on October 22, 2024; (4) failing to report for substance abuse testing on November 21, 2024, December 12, 2024, December 30, 2024 and January 7, 2025; (5) using marijuana on or about November 12, 2024; (6) leaving the District of Minnesota, his assigned federal judicial district, on January 10, 2025 without permission; and (7) committing another federal, state or local crime by being charged on January 10, 2025, with the felony offense of Possession of a Controlled Substance of 50 grams or more of Methamphetamine, in violation of North Dakota Statute §§ 19-03.1-23(7) and 19-03.1-07(5)(c) and with the misdemeanor offense of Possession of Drug Paraphernalia, in violation of North Dakota Statute § 19-03.4-032(2). (Doc. 180.)

At the revocation hearing, Burton admitted he had violated the conditions of his supervised by: (1) testing positive for marijuana on August 29, 2024; (2) testing positive for marijuana on October 2, 2024; (3) testing positive for marijuana on October 22, 2024; (5) using marijuana on or about November 12, 2024; and (6) leaving the District of Minnesota, his assigned federal judicial district, on January 10, 2025 without permission. The Government moved to

dismiss the part of allegation of (3) related to Burton's use of methamphetamine, and allegations (4) and (7), which the Court granted. (Doc. 184.)

Judge Johnston found that the violations Burton admitted proves serious and warrants revocation of Burton's supervised release and recommends a term of custody of 7 months, with no term of supervised release to follow. Burton shall receive credit for time served since the date of his arrest in North Dakota on January 10, 2025, and shall serve his custodial sentence at FCI Sandstone . (Doc. 190.) The Court advised Burton his right to appeal and to allocute before the undersigned and he waived those rights. (Doc. 184.)

The violation proves serious and warrants revocation of Burton's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 190) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Michael Burton be sentenced to a term of custody of 7 months, with no term of supervised release to follow. Burton shall receive credit for time served since the date of his arrest in North Dakota on January 10, 2025, and shall serve his custodial sentence at FCI Sandstone.

DATED this 26<sup>th</sup> day of March 2025.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

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Brian Morris, Chief District Judge  
United States District Courts